



MAINE STATE BOARD OF EDUCATION

23 State House Station
AUGUSTA, MAINE 04333

STATE OF MAINE

The State Board of Education held a regular monthly meeting on September 12, 2007, at the Challenger Learning Center of Maine, Bangor, with the following members present: Chair James Carignan; Vice Chair Philip Dionne; Jean Gulliver; Ellie Multer; Janet Tockman; Joyce McPhetres; and Jack Norris. Excused: Ann Weisleder

Also present were: Deputy Commissioner Angela Faherty; Harry Osgood, Higher Education Specialist, Support Systems Team; Scott Brown, AIA, School Facilities; and Rhonda Casey, Clerk.

CALLED TO ORDER:

The meeting was called to order at 1:10 PM

APPROVAL OF MINUTES

MOVED by Janet Tockman, seconded by Jean Gulliver, and unanimously voted by those present to approve the July 11, 2007, minutes as written.

CONSENT AGENDA:

DRAFT OF A PROPOSED STATE PARTNERSHIP PROTOCOL WITH THE TEACHER EDUCATION ACCREDITATION COUNCIL (TEAC) FOR THE JOINT CONDUCT OF NATIONAL ACCREDITATION AND STATE PROGRAM APPROVAL OF MAINE EDUCATOR PREPARATION PROGRAMS

MOVED by Jean Gulliver, seconded Joyce McPhetres, and unanimously voted by those present to approve the consent agenda.

REGULAR BUSINESS:

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; CONCEPT APPROVAL CONSIDERATION; DURHAM SCHOOL DEPARTMENT, NEW PRE K-8 ELEMENTARY CONSTRUCTION PROJECT

Statement of Fact: Durham School Department's project was rated at number eleven on the 2004-2005 Approved Projects List. The project will house 505 students grades Pre K-8. It will replace the current Durham Elementary School that, following a detailed New vs. Renovation Study, was determined not to be appropriate for renovation.

The school will be constructed on the current school site. The site is large enough to locate the new project on the site, while maintaining the current school until construction is completed. The site is in the center of Durham and can be accessed from both Route 9 and Route 136. It is adjacent to the Durham Town Office and the fire station.

Durham will contribute more than \$2 million to the project if the local referendum is successful. Local funds will be used to add a number of pitched roofs to the building, to construct an oversized school gymnasium, and to share in the cost of a geothermal heating/cooling system.

This Concept Approval is being requested pursuant to M.R.S.A. Title 20-A, Section 15905(1).

Project Information:

Project: New PreK-8 Elementary School
Superintendent: Shannon L. Welsh
Principal: William Pidden
Architect: Dan Cecil, Harriman Associates
School Replaced: Current Durham Elementary School

Superintendent Shannon Welsh has provided the following project description statement:

Durham is committed to providing a strong educational program for its children. We are a K-8 school where people feel connected to each other and committed to helping all of our students meet or exceed the Maine Learning Results standards. Citizens offer fundraising support and volunteer hours to provide extra-curricular opportunities for our students. The support provided by the State through construction funds will help us meet our goal of providing our children with an exemplary academic program in a facility that supports and enhances learning.

The community first considered problems we hope to solve through this construction project. Priority issues to be resolved include:

- Improved program space to help strengthen our academic program;
- Consistency of academic program for students across a grade/age level;
- Enhanced communication and coordination of services for students and staff;
- Maximized options for student placement to accommodate individual learning needs; and
- Provide an elementary school as the heart of the community.

The Town of Durham has strong support for the proposed elementary school project concept. The location is at the center of the Town and is on the same site as our current school. Improved facilities will help us enhance and improve our educational program through the following:

- Science and technology lab space with access to a diverse outdoor environment for science application;
- Program space for art, music, and foreign language which are currently taught in shared or inadequate spaces;
- Tutorial and student support instructional spaces in close proximity to classrooms to reduce lost instructional time due to transitions; and
- Improved security systems with monitored access to the building to ensure a safe, secure learning environment.

Project Budget Information:

Estimated total Project Cost: \$23,906,405

Local Only Cost (no State participation): \$2,176,696

Anticipated Maine High Performance Schools Energy Grant: \$120,000

Approved for State/Local Debt Service Subsidy: \$21,609,709

Construction Committee Recommendation: The Construction Committee met on September 4, 2007, and voted unanimously to send this exhibit to the State Board of Education for consideration with an approval recommendation.

Commissioner Recommendation: The Commissioner recommends that the State Board grant Concept Approval to Durham School Department for a new Pre K-8 elementary school in Durham, Maine, and approve the budget as presented.

MOVED by Ellie Multer, seconded by Jack Norris, and unanimously voted by those present to grant Concept Approval to Durham School Department for a new Pre K-8 elementary school in Durham, Maine, and approve the budget as presented.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; DESIGN & FUNDING APPROVAL CONSIDERATION; SAD #46, DEXTER ELEMENTARY SCHOOL PROJECT

Statement of Fact: The architect has proposed that this project be bid in two stages. The site work will be bid five months prior to the bidding on the building. The reasons for the earlier bid are the extensive site work required including ledge removal, utilities, parking, and road intersection work. The separate site work bid will support a faster schedule for completing the project, increase the likelihood of site cost savings with winter work, and provide for a building pad and site preparation prior to seeking bids on the building.

The architect and the civil engineers have met with personnel from both the Bureau of General Services and the Department of Education, and potential issues and conflicts between the two bid packages have been resolved.

The total project cost for the project is \$30,587,000. Of this \$5,715,000 is the site development project cost.

A detailed cost analysis has been prepared and carefully reviewed. The analysis is on file at the Department of Education.

Should the site development bid come in under budget, the balance of unencumbered funds would be available for the second bidding phase of the project.

Project Information:

Project: SAD #46 Pre K-8 Elementary School in Dexter, Maine

Superintendent: Kevin Jordan

Principals: Julianna Richard and Terry Wood

Architect: Steve Blatt, AIA, Stephen Blatt Architects

Proposed Schools Closed: Dexter Primary School, Dexter Middle School, Garland Elementary School, and Exeter Consolidated School.

Project Budget Information:

Estimated Total Project Cost: \$30,587,000

Approved for State/Local Debt Service Subsidy: \$29,905,000

Local Only Cost: \$562,000

Anticipated Maine High Performance Schools Energy Grant: \$120,000

Construction Committee Recommendation: The Construction Committee met on September 4, 2007, and voted unanimously to send this exhibit to the State Board of Education for consideration with an approval recommendation.

Commissioner Recommendation: The Commissioner of Education recommends that the State Board of Education grant Design and Funding Approval to SAD #46 for the new Dexter Elementary School Major Capital School Construction Project.**

**This approval constitutes Design & Funding Approval. Final Funding Approval may be subject to adjustment under Section 10, Subsection 1, of the State Board of Education Rules for School Construction Projects, which states:

“Final Funding Approval by the Commissioner establishes the Project Budget and takes place after construction bids have been received. At that time, the Commissioner may reduce the budget to finance the project, thus providing additional funds for other projects.”

MOVED by Ellie Multer, seconded by Jean Gulliver, and unanimously voted by those present to grant Phase 1 design and funding approval for the site only portion of SAD 46 new Dexter Elementary School Major Capital School Construction Project.

CONSIDERATION OF THE REVIEW TEAM'S REPORT OF FINDINGS
CONCERNING THE APPLICATION FROM THE UNIVERSITY OF NEW ENGLAND
FOR ADDITIONAL DEGREE-GRANTING AUTHORIZATION TO AWARD THE
PHARM. DOCTOR (P.D.) DEGREE

Background: 20-A M.R.S.A., Chapter 409 provides that a postsecondary educational institution desiring to confer additional degrees must obtain authorization from the Maine State Board of Education. The University of New England has previously been authorized to award specific degrees at the Associate, Baccalaureate, Master's, and Doctoral levels.

Officials of the University of New England submitted an application seeking authority to confer an additional degree, the Pharm. Doctor (P.D.). The Board approved review team met with University of New England officials in Augusta on May 1, 2007. Following this meeting, the team report of findings was compiled in which the team unanimously agreed that the University of New England application met each of the degree-granting standards as contained in Chapter 170.

Recommendation: That the State Board of Education accept the Review Team's Report of Findings and approve the request from the University of New England to confer the additional degree of Pharm. Doctor (P.D.).

MOVED by Jack Norris, seconded by Jean Gulliver, and unanimously voted by those present to accept the Review Team's Report of Findings and approve the request from the University of New England to confer the additional degree of Pharm. Doctor (P.D.).

CONSIDERATION OF THE REVIEW TEAM REPORT OF FINDINGS
CONCERNING THE APPLICATION FOR DEGREE-GRANTING AUTHORIZATION
AS SUBMITTED BY THE LANDING BOAT SCHOOL TO AWARD THE
ASSOCIATION OF SCIENCE DEGREE

Background: 20-A MRSA, § 10704 provides that any educational institution may confer certain degrees if it has been granted initial authority by an Act of the Legislature. Under Chapter 149 CMR, the Maine State Board of Education is required to make a recommendation for action on any initial degree authorization request to the Joint Standing Committee on Education and Cultural Affairs.

Officials of The Landing School, located in Kennebunkport, Maine, submitted an application seeking authority to confer the initial degree of Associate of Applied Science. This degree would be awarded to graduates with a concentration in one of three options: the Design Program; the Boat Building Program; or the Marine Systems Program.

Program approval visits were conducted at The Landing School on Thursday, June 8, 2006 and Thursday, May 31, 2007.

The Landing School is incorporated in the State of Maine as a non-profit, postsecondary vocational education institution. To date the School has enrolled certificate, diploma, and continuing education students. In 1987, The Landing School became the first school of its type to become accredited by the National Association of Trade and Technical Schools. Renamed in 1993, the Accrediting Commission of Career Schools and Colleges of Technology (ACCSCT) is recognized by the US Secretary of Education as a nationally approved accrediting agency under the provisions of Chapter 33, Title 38, U.S. Code and subsequent legislation.

Recommendation: That the State Board of Education affirm the request from The Landing Boat School as having met the Board's degree-granting standards; and that the State Board recommend approval of the School's request to award Associates Degrees in Applied Science in Marine Design and in Applied Science in Marine Systems Technology to the Legislature's Joint Standing Committee on Education and Cultural Affairs for consideration during the 124th Legislative Session.

MOVED by Ellie Multer, seconded by Jack Norris, and unanimously voted by those present to affirm the request from The Landing Boat School as having met the Board's degree-granting standards; and that the State Board recommend the School's request to award Associates Degrees in Applied Science in Marine Design and in Applied Science in Marine Systems Technology to the Legislature's Joint Standing Committee on Education and Cultural Affairs for consideration during the 124th Legislative Session.

The meeting was recessed at 2:15 p.m. to begin discussion with Richard Pattenau.

Resumed business meeting at 3:20 p.m.

MAINE STATE BOARD OF EDUCATION RULES IN SUPPORT OF THE NECESSARY POLICIES AND PROCEDURES TO IMPLEMENT CHAPTER 469 – “AN ACT TO ALLOW TAX CREDITS FOR COLLEGE LOAN REPAYMENTS”

Background: The 123rd Legislature enacted LD 1856 – “An Act to Allow Tax Credits for College Loan Repayments”. This act specifies that the State Board of Education “. . . shall, in accordance with section 3, adopt rules, which are routine and technical rules pursuant to Title 5, chapter 375, subchapter 2-A, as necessary to carry out the purposes of this chapter”. This chapter also requires that the State Board “. . . shall draft an opportunity contract for use in enrolling individuals in the program” and specifies what the opportunity contract must contain. This chapter states that the credit for educational opportunity initiative must be in place by January 1, 2008.

For the Board's consideration, the following documents are being provided: 1) a copy of LD 1856 which, upon enactment became Chapter 469; 2) a copy of the proposed rules to support implementation of Chapter 469; 3) a copy of the proposed student opportunity

contract; and 4) a copy of the proposed timeline that is designed to enable the Board to meet the January 1, 2008, deadline. Copies of these documents are on file with the State Board of Education Office.

Recommendation: That the State Board of Education endorse the proposed rules in support of implementation of Chapter 469; and that the State Board act to initiate the Administrative Procedure Act (APA) process, thereby enabling the proposed rules to be considered and commented upon through public hearing, and thereafter altered, as appropriate, prior to a vote by the Board to formally adopt the necessary rules.

MOVED by Jean Gulliver, seconded by Joyce McPhetres, and unanimously voted by those present to endorse the proposed rules in support of implementation of Chapter 469; and that the State Board act to initiate the Administrative Procedure Act (APA) process, thereby enabling the proposed rules to be considered and commented upon through public hearing, and thereafter altered, as appropriate, prior to a vote by the Board to formally adopt the necessary rules.

REQUEST FOR APPROVAL TO PROCEED WITH RULEMAKING CHAPTER 61 – RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS.

Statement of Facts: Chapter 61, Rules for Major Capital School Construction Projects, govern the expenditure of millions of Maine taxpayers' dollars in support of the provision of safe and attractive schools that support the demands of 21st century education. Extensive needs for improved education facilities across the state make it imperative that the rules be kept clear, current and supportive of the state's education goals. To this end, the Department of Education and the Construction Committee of the State Board of Education have worked jointly to propose modifications to Chapter 61. Key aspects of this revision include:

1. Defining "Non-Conforming School" as a "school in a school administrative unit that has neither joined a Regional School Unit nor has an approved alternative plan as specified under the provisions of 20-A M.R.S.A. Chapter 103-A;"
2. Eliminating the definitions of "Learning Technology Equipment" and "Non-Learning Equipment;"
3. Adding "energy efficiency" as a criterion to be included in calculating rating scores. Some adjustments are being made for the rating numbers and language is added to address CTE regions and centers and the rating score penalty to non-conforming schools; all construction projects will be required to meet conservation standards (for energy and other elements) as specified by the Department of Education School Facilities Team;
4. Clarifying the mechanism by which the rating team may report schools that appear to be unsafe;
5. Requiring that consideration be given to providing the minimum travel distance for the maximum number of students when considering a new school site;
6. Removing Section 2 (A) through (E) relative to "Technology Budget;"
7. Clarifying the language in Section 10 (4) (A) "Budget Requirements;" and

8. Requiring that non-conforming schools be penalized 10% of the total State/Local funding portion of their Major Capital School Construction project budget and 10 points on their rating score.

Recommendations: It is recommended by the Department of Education that the State Board of Education approve the proposed amendment to Chapter 61, Rules for Major Capital School Construction Projects, as major substantive rules. It is further recommended by the Department of Education that the State Board of Education authorize proceeding with rulemaking in accordance with the State of Maine Administrative Procedure Act.

MOVED by Ellie Multer, seconded by Jack Norris, and unanimously voted by those present to approve the proposed amendment to Chapter 61, Rules for Major Capital School Construction Projects, as major substantive rules and proceed with rulemaking in accordance with the State of Maine Administrative Procedure Act.

COMMISSIONER'S REPORT:

Commissioner Gendron reported on the following via conference call:

- That she was in the middle of reviewing the letters of intent from the districts who have filed their letter(s) to merge with a neighboring district per the Regionalization Law.
- That the Department is planning to hold a summit on September 27. The intent of the summit is to engage parents, students, the community, industry, and education leaders to explore how to move ahead to design Maine's high schools for our children's future.
- That the Department of Education has been working closely with the Northeast Regional Lab. On September 26 the Department is planning to convene an evening dinner with staff from the lab to discuss the importance of their research and the Department's reliance on that research in relation to policy decisions. This meeting is also open to any member of the board who would like to attend.

CHAIR'S REPORT:

- That he has been invited to attend the National Association of State Boards of Education (NASBE) annual conference and participate in a panel discussion involving inviting student members to participate on the State Board.

BOARD MEMBER REPORTS:

Jack Norris:

- That the Making the Grade Award letter and application have been drafted and forwarded to Rhonda for finalizing and distribution.
- That he has agreed to serve on the search committee for a new dean of education at the University of Maine at Orono.

Ellie Multer:

- That over the past 10 years that she has served in the State Board of Education she has learned the most, but she also has learned that she has not as much knowledge as she thought.

Janet Tockman:

- That she too has never participated in anything in which she has personally learned so much.
- That on September 11, she attended presentations by the Teacher of the Year Candidates.

Joyce McPhetres:

- Again, that her past ten years on the Board has been wonderful and in comparison to other boards that she has served on no other boards that have been better than the State Board.

Phil Dionne:

- Circulated an updated expenditures report for Carl Perkins. The report indicates that the grant is operating in the “black”, and that this trend continues to look promising for the year.

ADJOURNMENT:

State Board of Education unanimously agreed to adjourn the September 12, 2007, meeting at 4:00 pm